

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

CR- 95-00024

May 23, 2007
9:20 a.m.

U.S.A. -v- STEVEN V. PANGELINAN

PRESENT: HON. ALEX R. MUNSON, JUDGE PRESIDING
K. LYNN LEMIEUX, COURTROOM DEPUTY
SANAE N. SHMULL, COURT REPORTER
ERIC O'MALLEY, ASSISTANT U.S. ATTORNEY
STEVEN V. PANGELINAN, DEFENDANT
F. MATTHEW SMITH, ATTORNEY FOR DEFENDANT

PROCEEDINGS: VIOLATION HEARING

Defendant **STEVEN V. PANGELINAN** appeared with counsel, Attorney F. Matthew Smith. Government was represented by Eric O'Malley, AUSA. Also present was Margarita Wonenberg, U.S. Probation Officer.

Government stated that they wished to proceed with the violation hearing.

Court inquired as to whether the defendant admitted or denied the violations. Defense did not deny that they defendant failed to report to the U.S. Probation Office. However, they had issues with the other violations.

Government stated that there may have been an excuse for one violation; however, he has violated other conditions and Government moved for revocation.

Defense argued on behalf of the Defendant. Government argued that this defendant has a history of not abiding by his conditions and his conditions have been modified on four different occasions.

Court, after hearing all argument, revoked the defendant's liberty and ordered that he abide by the following conditions:

1. That the defendant shall be on Home Detention for three (3) months and shall be restricted to his residence at all times except for employment (and for the length of time it takes him to get to and from his job). He may leave the home to meet with his attorney or for any other type of emergency as pre-approved by the pretrial officer. This home confinement program component will require the defendant to abide by all requirements of the program which will include electronic monitoring . The defendant will be required to pay for all or part of the cost of the program based upon his ability to pay as determined by the pretrial services office or supervising officer;
2. The defendant shall not commit another federal, state, or local crime;
3. The defendant shall not possess, use, distribute, or administer any controlled substances and that he shall submit to one urinalysis 15 days after release from Home Confinement and to two more urinalysis thereafter, not to exceed eight drug tests per month at the direction of the U.S. Probation Office;
4. That the defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol;
5. That the defendant shall abstain from any use of alcohol;
6. That the defendant shall seek and maintain gainful employment;
7. That the defendant shall not open new lines of credit or acquire any loan without the permission of the Court;
8. That the defendant shall disclose all financial information to the United States Probation Officer as required by the Office of Probation;
9. That the defendant shall refrain from gambling and entering any poker establishments; and
10. That the defendant shall obtain a high school diploma or its equivalent.

Defense moved that the defendant not have the burden of paying for the electronic monitoring. Court denied that motion. Further, Defense moved that the interest not be charged interest on the fine. Court requested a written motion on that matter.

Government moved that the defendant be taken into custody until it could be determined whether his house met electronic monitoring qualifications. Court denied the Government's motion to take the defendant into custody until he is under electronic monitoring, however, Court

ordered that the defendant is immediately under house arrest at this time.

Government moved that the defendant be required to make \$200 monthly payments toward his fine as previously ordered. Defense had no objection. Court so ordered.

Court ordered the defendant to report to the U.S. Marshal for processing immediately after this hearing.

Adj. 9:50 a.m.

/s/K. Lynn Lemieux, Courtroom Deputy